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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT  
13 DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE  
16 COMPANY,

17 USA CAPITAL REALTY ADVISORS,  
18 LLC,<sup>1</sup>

19 USA CAPITAL DIVERSIFIED TRUST  
20 DEED FUND, LLC,

21 USA CAPITAL FIRST TRUST DEED  
22 FUND, LLC,<sup>2</sup>

23 USA SECURITIES, LLC,<sup>3</sup>

24 Debtors.

25 Affects:

26  All Debtors  
 USA Commercial Mortgage Company  
 USA Capital Realty Advisors, LLC  
 USA Capital Diversified Trust Deed Fund, LLC  
 USA Capital First Trust Deed Fund, LLC  
 USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING  
OBJECTION OF USACM TRUST TO  
PROOFS OF CLAIM BASED, IN  
WHOLE OR IN PART, UPON  
INVESTMENT IN PRESERVE AT  
GALLERIA LOAN WITH  
CERTIFICATE OF SERVICE**

Date of Hearing: February 5, 2010  
Time of Hearing: 9:30 a.m.

25 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
26 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
CLAIM TO THE EXTENT IT IS BASED, IN WHOLE OR IN PART, UPON  
INVESTMENT IN PRESERVE AT GALLERIA LOAN. THIS OBJECTION WILL**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1                   **NOT IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN**  
2                   **INVESTMENT IN A DIFFERENT LOAN.**

3                   **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
4                   **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
5                   **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
6                   **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**  
7                   **GROUP, LLC (602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

8                   **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its  
9                   Objection of USACM Trust to Proofs of Claim Based, In Whole or In Part, Upon  
10                   Investment in the Preserve at Galleria Loan (the “Objection”). Your Proof of Claim  
11                   number and other information regarding your claim is provided in **Exhibit A**, attached.  
12                   The USACM Liquidating Trust has requested that this Court enter an order, pursuant to  
13                   Bankruptcy Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to  
14                   the extent it is based upon investment in the Preserve at Galleria Loan. The Objection will  
15                   not impact your Claim to the extent it is based upon an investment in a different loan.

16                   **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
17                   before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
18                   Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
19                   **February 5, 2010 at the hour of 9:30 a.m.**

20                   **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**  
21                   **FEBRUARY 5, 2010, WILL BE HELD FOR THE PURPOSE OF STATUS**  
22                   **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
23                   **ARGUMENTS WILL BE HEARD ON THAT DATE.**

24                   **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 3007(b), any  
25                   response to the objection must be filed and served on counsel by **January 22, 2010.** Any  
26

1 reply to an opposition shall be filed and served by January 29, 2010. Local rule 3007(b)  
2 states:

3 A response is deemed sufficient if it states that written documentation in  
4 support of the proof of claim has already been provided to the objecting  
5 party and that the documentation will be provided at any evidentiary hearing  
or trial on the matter.

6 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
7 pleading with the Court. You *must* also serve your written response on the person who  
8 sent you this notice.

9 If you do not file a written response with the Court, or if you do not serve your  
10 written response on the person who sent you this notice, then:

11

- 12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 13 • The Court may *rule against you* and sustain the objection without formally  
calling the matter at the hearing.

14 Dated: January 8, 2010.

15 LEWIS AND ROCA LLP

16 By /s/ John Hinderaker (#18024)  
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Attorneys for the USACM Liquidating Trust

21 Copy of the foregoing and pertinent  
22 portion of Exhibit A mailed by first  
23 class postage prepaid U.S. Mail on  
January 8, 2010 to Parties listed on  
Exhibit A attached.

24 LEWIS AND ROCA LLP

25  
26 /s/ Leilani Lista  
Leilani Lista